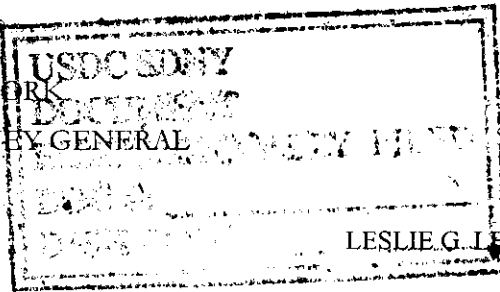


STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL



ANDREW M. CUOMO
Attorney General

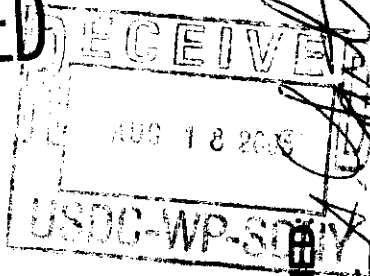
August 15, 2008

Executive Deputy Attorney General
Division of State Counsel

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Litigation Bureau

MEMO ENDORSED



By Hand

The Honorable George A. Yanthis
United States Magistrate Judge
United States District Court
300 Quarropas Street
White Plains, NY 10601

Re: John L. Peterec v. Kyle Kroeger, Joan Pugliesi, et al.
08-Civ-01626 (CS)(GAY)

8/18/08
SO ORDERED
[Signature]
Hon. George A. Yanthis
United States Magistrate Judge

Dear Judge Yanthis:

This office represents the defendants Kyle Kroeger and Joan Pugliesi ("State defendants") in the above-referenced action. We submit this letter pursuant to your Individual Practice Rule 2.A. to request a pre-motion conference in anticipation of a dispositive motion to dismiss all of the claims against the State defendants in the amended complaint ("A.Compl.") for the reasons stated below.

Background

On December 12, 2005, plaintiff pro se John L. Peterec, was arrested by State Trooper Kroeger for multiple violations of the New York Vehicle and Traffic ("VTL") Law. After a non jury trial in the Town of Thompson, plaintiff was found guilty of violating two VTL sections, including driving while ability impaired. On October 12, 2007 his conviction was affirmed by Judge LaBuda of the County Court, Sullivan County. On February 29, 2008 a Certificate Denying Leave (to appeal) was executed by the Honorable Eugene F. Pigott, Jr., Associate Judge of the Court of Appeals. Plaintiff now brings this federal lawsuit under 42 U.S.C. § 1983 alleging denial of due process in that State Trooper Kroeger denied him adequate medical care during his arrest and detention; and that Joan Pugliesi, a court reporter, deliberately provided an inaccurate transcript of his criminal proceedings during the appeal in County Court.

Application granted. Motion to dismiss may be filed. Plaintiff shall have 30 days to respond. Defendants have 10 days for reply.

8/18/08
[Handwritten notes in margin]